

Amendment Under 37 C.F.R. §1.116
Serial No. 09/842,683
Attorney Docket No. 010589

REMARKS

Claims 12-20 are pending and rejected in this application. Claims 12, 14, and 19 are amended. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated October 28, 2005.

Claims 12, 13, 15 and 18-20 were rejected under 35 U.S.C. §102(e) as anticipated by *Costello et al.* (U.S. Patent Application Publication 2002/0007225). To expedite prosecution, Applicants amend claims 12 and 19. Support for these amendments is found, for example, on page 17, lines 10-13 of the specification. Anticipation requires the presence in a single prior art reference the disclosure of each and every element of the claimed invention. Here, *Costello et al.* fails to disclose “a means for ordering the part by transmitting the prepared parts check list based on the parts list”. Accordingly, Applicants request that the Examiner withdraw the anticipation rejection of claims 12, 13, 15, and 18-20.

Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Costello et al.* in view of *Joseph et al.* (U.S. Pat. No. 6,606,603). To expedite prosecution, Applicants hereby amend claim 14. No new subject matter is added. In view of this amendment and the following remarks, Applicants respectfully request that the Examiner withdraw the rejection of claim 14.

In rejecting claim 14, the Examiner acknowledged that *Costello et al.* does not explicitly teach a parts check list preparing system wherein duplicate selected parts are removed from the parts list. However, the Examiner asserted that *Joseph et al.* does teach a system wherein the execution of duplicate orders is prevented and concluded that it would have been obvious to

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prevent the execution of duplicate orders, since this would result in the customer receiving duplicate items, resulting in the need to return the duplicate item, and increased costs and loss of customer goodwill. Applicants respectfully disagree with the Examiner's position for at least the following reasons.

The system described in *Joseph et al.* does not include “a duplicate acquisition preventing means to cause...the network terminal to obtain only the parts data of the assembly.” [Claim 14]. Rather, the system merely marks processed entries in order to prevent duplicate processing of purchasing orders (see Col. 7, lines 3-13, “once an entry in a queue is processed, it is marked as such preventing duplicate processing.”) Thus, even if one were to combine the teachings of *Joseph et al.* and *Costello et al.*, the combination would not result in the claimed invention, as recited in claim 14, where when both of assembly parts comprised of a plurality of parts and parts constituting the assembly parts are selected, only the parts information of the assembly parts is obtained, thereby preventing double-ordering. Accordingly, Applicants respectfully request that the Examiner allow claim 14.

Claim 16 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Costello et al.* in view of *Rune* (U.S. Pat. No. 6,304,913), and claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Costello et al.* and *Rune* and further in view of *Gladney et al.* (U.S. Pat. No. 4,714,992). However, claims 16 and 17 are dependent from claim 12 and likewise should be allowable in view of the above amendments and remarks by nature of dependency. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections of claims 16 and 17.

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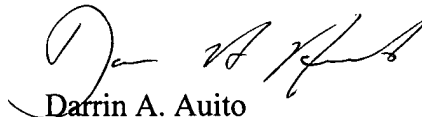
For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read 'Darrin A. Auito', is positioned above the printed name.

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